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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,939	06/14/2005	Erik A. T. Trommelen	A0006/US	5931
30522 7590 03/19/2008 KRATON POLYMERS U.S. LLC WESTHOLLOW TECHNOLOGY CENTER 3333 HIGHWAY 6 SOUTH HOUSTON, TX 77082				
EXAMINER SZEKELY, PETER A				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
03/19/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kratonip@kraton.com

### Office Action Summary

**Application No.**

10/538,939

**Applicant(s)**

TROMMELEN ET AL.

**Examiner**

Peter Szekely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 6/14/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-19, 23, 24 and 26-30 are rejected under 35 U.S.C. 102(b or e) as being anticipated by Schoenke 4,032,491, Hansen 4,405,680, Buck et al. 4,530,652, Grube et al. 5,055,135, Kalkanoglu 5,437,923, Ohtsuka et al. 5,925,695, Fensel 6,524,980, Driesken et al. 6,538,053 or Stephens et al. 2003/0149140.

3. Schoenke discloses a roofing composition comprising 5-40% asphalt and 60-95% A-B-A block copolymer where A is vinyl aromatic monomer and B is ethylene/propylene or ethylene/butylene (Abstract). For molecular weight see claim 2. Hansen teaches a roofing shingle comprising 70-94% bitumen and 6-30% asphalt and 1-80% filler (claims 1 and 5). Buck et al. recite asphalt and block copolymer with a vinyl content of at least 25% in claim 1, block copolymer concentration in claim 3, monomers in claim 5 and vinyl unsaturation and molecular weights in claim 6. Grube et al. divulge asphalt, penetration and styrenic polymer in claim 1, block copolymers in claim 3, styrene content in claim 6 and thickness in claim 10. Kalkanoglu reveals a roofing composition comprising 45% asphalt and 2-25% polymer in claim 1, block copolymers in claim 3, and fillers in claim 6. Ohtsuka et al. describe block copolymer and asphalt in claim 1, fillers in claim 9 and paving mixture in claims 10-13. Fensel et al. discuss

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bituminous roofing composite in claim 1 and block copolymers in column 5, lines 51-56. Driesken et al. present roofing panels comprising bitumen and block copolymer in claim 1, styrene content in claim 2 and molecular weights in claim 4. Stephens et al. display bitumen and mono-alkenyl arene-conjugated diene block copolymer, their concentration, molecular weight and styrene content in claim 1, dienes in claim 2, 1,2-configuration in claim 3, different block copolymers in claim 8, copolymer concentration in claim 17, penetration in claim 18, paving formulation in claim 20 and roofing felt in claim 21. Applicants' claims are not novel.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenke 4,032,491, Hansen 4,405,680, Buck et al. 4,530,652, Grube et al. 5,055,135, Kalkanoglu 5,437,923, Ohtsuka et al. 5,925,695, Fensel 6,524,980, Driesken et al. 6,538,053 or Stephens et al. 2003/0149140.

7. All references have been described already. All concentration ranges encompass or overlap applicants claimed ranges. All properties are inherent in the composition. Furthermore, since using a lesser amount of materials saves money, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to make the roofing felts and the pavements s thin as the compositions permit.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 6:10 a.m.-4:40 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Szekely/  
Primary Examiner, Art Unit 1796

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/P. S./  
Primary Examiner, Art Unit 1796  
2/26/08